

1 **SAO**
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12 *Attorneys for Plaintiff*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 ADELLA DELISLE, individually.

12 Plaintiff,

14 vs.

15 RASIER, LLC., a foreign limited-liability
16 company; DOE DRIVER, an individual DOES
17 1 through 100; and ROE CORPORATIONS
18 101 through 200;

Defendants.

CASE NO.: 2:20-cv-00933-JAD-VCF

**STIPULATION AND ORDER TO
AMEND COMPLAINT**

19 Plaintiff, ADELLA DELISLE, and Defendant RASIER, LLC, by and through their respective
20 counsel, hereby stipulate and agree, pursuant to FRCP 15 and FRCP 10, that Plaintiff may amend his
21 Complaint as illustrated in the proposed First Amended Complaint attached hereto as Exhibit 1 to
22 add WESLEY EASTRIDGE as a Defendant.
23

24 ///

26 ///



1 DATED this 24th day of November 2020

DATED this 24th day of November 2020

2 RICHARD HARRIS LAW FIRM

WOOD, SMITH, HENNING, & BERMAN, LLP

3 /s/ Charles S. Jackson

/s/ Analise N. M. Tilton

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ANALISE N. M. TILTON, ESQ.

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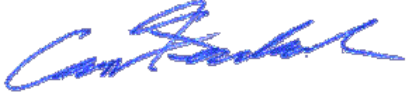
Las Vegas, NV 89128

Attorneys for Defendants

9
10 **ORDER**

11 **IT IS SO ORDERED** that the caption and Complaint be amended to include WELSEY
12 EASTRIDGE in the place of DOE DRIVER as indicated in the attached Exhibit 1.
13 The Amended Complaint must be filed on or before
December 8, 2020.

DATED this 30th day of November 2020.



United States Magistrate Judge

16 Respectfully Submitted by:

17 RICHARD HARRIS LAW FIRM

18 /s/ Charles S. Jackson

19 CHARLES S. JACKSON, ESQ.

20 Nevada Bar No. 13158

21 801 South Fourth Street

22 Las Vegas, Nevada 89101

23 *Attorneys for Plaintiff*



From: Analise N. M. Tilton <atilton@wshblaw.com>

Sent: Tuesday, November 24, 2020 12:42 PM

To: Charlie Jackson <Charlie@richardharrislaw.com>

Cc: Michelle N. Ledesma <MLedesma@wshblaw.com>; Amy Chandler <achandler@richardharrislaw.com>; Jacquelyn Witt <JWitt@wshblaw.com>

Subject: RE: SAO to Amend; Delisle vs. Raiser, LLC.

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Great, thanks Charles! Please use my e-signature with those changes. Thanks again and have happy and safe Thanksgiving!

Analise N. M. Tilton

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From: Charlie Jackson <Charlie@richardharrislaw.com>

Sent: Tuesday, November 24, 2020 12:25 PM

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Cc: Michelle N. Ledesma <MLedesma@wshblaw.com>; Amy Chandler <achandler@richardharrislaw.com>

Subject: [EXTERNAL] RE: SAO to Amend; Delisle vs. Raiser, LLC.

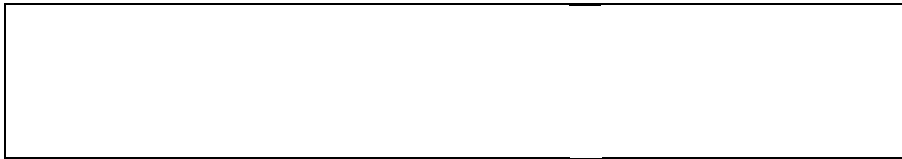
Updated- May I used your electronic signature and send to the court?

Charles Jackson

Attorney



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EXHIBIT 1

1 **ACOM**
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9 **UNITED STATES DISTRICT COURT**

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11 ADELLA DELISLE, individually.

12 Plaintiff,

13 vs.

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15 RASIER, LLC., a foreign limited-liability
16 company; WESLEY Eastridge, an
17 individual; DOES 1 through 100; and ROE
CORPORATIONS 101 through 200;

18 Defendants.

CASE NO.: 2:20-cv-00933-JAD-VCF

FIRST AMENDED COMPLAINT

19 Plaintiff, ADELLA DELISLE through her counsel, Charles S. Jackson, Esq., of THE
20 RICHARD HARRIS LAW FIRM complains against Defendants as follows:

21 **GENERAL ALLEGATIONS**

- 22
- 23 1. Plaintiff ADELLA DELISLE (hereinafter "Plaintiff") is and was a resident of Clark
24 County, Nevada at all material times herein.
 - 25 2. Defendant WESLEY Eastridge is and was an individual who is a resident of Clark
26 County, Nevada at all times material herein.
 - 27 3. Defendant RASIER, LLC. (hereinafter "Defendant UBER") is and was a foreign
28 business entity licensed to conduct business in Clark County, Nevada.

1 4. The true names and capacities, whether individual, corporate, associate or otherwise of
2 Defendants DOES and ROE CORPORATIONS 1-200, inclusive, are unknown to
3 Plaintiffs who therefore sue said Defendants by such fictitious names; on information
4 and belief, Plaintiffs allege that the Defendants, and each of them, designated herein as a
5 DOE or ROE CORPORATION were responsible in some manner for the injuries
6 sustained by the Plaintiffs resulting from the Accident and is liable for all damages due
7 to Plaintiffs as alleged herein. Additional DOE OWNERS OF VEHICLE are not known
8 at this time. Plaintiffs will ask leave of court to amend this Complaint to insert the true
9 names and capacities when the same is ascertained and to join such Defendants in this
10 action.

11 5. At all times herein, Defendant was driving, operating and using said vehicle with the
12 knowledge, permission and consent and under the direct supervision and control of all
13 other Defendants, as the case may be.

14 6. At all times herein, all of the Defendants were agents, servants, and employees of each
15 and every other Defendant(s) and were acting within the course and scope of said
16 employment and/or agency, as the case may be.

17 **FACTUAL BACKGROUND**

18 7. On or about November 1, 2018, Plaintiff attempted to use the UberASSIST (hereinafter
19 Uber Assist) function on the Uber application.

20 8. Plaintiff uses a walker to walk.

21 9. Uber Assist provides additional assistance to seniors and people with disabilities.

22 10. Uber Assist drivers are specially trained to assist riders into vehicles.

23 11. Defendant WESLEY EASTRIDGE was called using the Uber Assist function.

24 12. Defendant WESLEY EASTRIDGE arrived at Plaintiff's location.

25 13. Upon seeing Plaintiff, WESLEY EASTRIDGE declined to assist Plaintiff into the
26 vehicle.
27
28



14. Plaintiff attempted to enter the vehicle herself.

15. While entering the vehicle, Plaintiff fell.

16. As a result of that fall, Plaintiff fractured her left ankle.

17. Plaintiffs suffered serious bodily injuries and property damage as a result of the motor vehicle collision.

18. Plaintiffs suffered personal injury and property damage in excess of \$15,000.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
(NEGLIGENCE)

19. Plaintiff hereby incorporates all of the foregoing paragraphs as if fully set forth herein.

20. Defendant WESLEY EASTRIDGE was negligent in that he, without limitation, failed to meet his duty of using due care in the assistance of Plaintiff, thus breaching his duty, including, but not limited to:

- a. Failing to provide assistance to Plaintiff into his vehicle;
- b. Improperly assisting Plaintiff into his vehicle;
- c. Failing to supervise Plaintiff's entrance into the vehicle; and,
- d. Refusing to provide assistance to Plaintiff's entry into the vehicle

21. As a direct and proximate result of Defendant's breach of duty of due care and carelessness and/or reckless conduct set forth, Plaintiff has suffered property damage and bodily injury and has been rendered sick and lame in an amount in excess of \$15,000.

22. Plaintiff was able-bodied and, as a result of Defendant's negligence herein, Plaintiff has been forced to miss time from work, which has resulted in a loss in an amount uncertain at this time.

23. Plaintiff is entitled to all attorney's fees and costs of suit herein by virtue of having to prosecute the within action.

///



SECOND CAUSE OF ACTION
(NEGLIGENT HIRING, TRAINING, AND SUPERVISION)

24. Plaintiff repeats and realleges the foregoing allegations as if fully set forth herein.
25. At all times mentioned herein, Defendant UBER had a duty to hire competent persons, properly train them for tasks they would perform, and supervise them in the performance of those tasks, specifically driving and assisting passengers, like Plaintiff.
26. Defendant UBER breached its duty to properly train, supervise, retain and/or supervise its employees.
27. As a direct and proximate result of the aforementioned, Plaintiffs sustained injuries to their neck, back, bodily limbs, organs, and systems all or some of which conditions may be permanent and disabling in nature, all to their general damage in a sum in excess of \$15,000.

THIRD CAUSE OF ACTION
(RESPONDEAT SUPERIOR)

28. Plaintiff hereby incorporates all of the foregoing paragraphs as if fully set forth herein.
29. At all times mentioned herein, Defendant WESLEY Eastridge was an employee and/or an agent of Defendant UBER.
30. Defendant was under Defendant UBER's control and acting in the scope of his employment or agency subordinate to Defendant UBER when the subject collision occurred.
31. Plaintiff was injured as a proximate consequence of Defendant WESLEY Eastridge negligence while acting in the course and scope of such employment and/or agency.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, reserving the right individually or through counsel, to amend this Complaint prior to, or at the time of trial of this action to insert those items of damage not yet fully ascertainable, prays for judgment against said Defendants, and each of them, as follows:



1. For General and Special Damages in a sum in excess of \$15,000.00 subject to proof at trial;
2. For Attorneys' Fees and Costs, as well as prejudgment interest;
3. For such other and further relief as the Court may deem just and equitable.

DATED this ____ day of November 2020.

RICHARD HARRIS LAW FIRM

CHARLES S. JACKSON, ESQ.

Nevada Bar No.: 13158

801 South Fourth Street

Las Vegas, Nevada 89101

(702) 444-4444

Attorneys for Plaintiff

